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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 DONALD D. DIFFENBAUGH,
13 Plaintiff,
14 vs.
15 NATIONAL CITY MORTGAGE A
16 DIVISION OF NATIONAL BANK,
17 et al.,
18 Defendants.

CASE NO. 10-CV-54 W (BLM)
**ORDER GRANTING
DEFENDANTS' UNOPPOSED
MOTION TO DISMISS
(Doc. No. 6.)**

19 On May 3, 2010, Defendants PNC Bank and Lyman Swensen ("Defendants")
20 moved to dismiss Plaintiff Donald D. Diffenbaugh's ("Plaintiff") complaint pursuant to
21 Federal Rule of Civil Procedure 12(b)(6). (Doc. No. 6.)

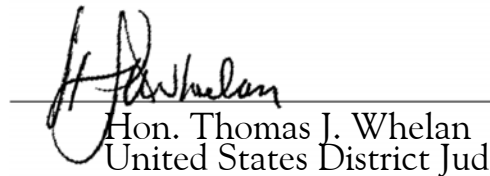
22 On June 11, 2010, Plaintiff filed a "statement of non-opposition" to Defendants'
23 motion. Specifically, Plaintiff requests that the Court dismiss this entire action, against
24 all defendants, without prejudice. (Doc. No. 8:7-9.)

25 Defendants motion was set to be heard June 28, 2010. As such, any Reply
26 memorandum to Plaintiff's non-opposition was due June 21, 2010. See S.D. Cal. Civ.
27 R. 7.1(e.3) To date, Defendants have not filed a Reply.
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1 Having read and considered the moving papers, the Court **GRANTS** Defendants'
2 unopposed motion. (Doc. No. 6.) Moreover, in accordance with Plaintiff's request, this
3 entire lawsuit is hereby **DISMISSED** against all parties **WITHOUT PREJUDICE**.

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5 **IT IS SO ORDERED.**

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7 DATED: July 2, 2010

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Hon. Thomas J. Whelan
United States District Judge